

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

2/11/11  
Clerk, U. S. District Court  
Western District of Texas

By                       
Deputy

USA

*Plaintiff*

vs.

(1) Diego Cruz Cavazos

*Defendant*

§  
§  
§  
§  
§  
§

Case Number: SA:10-CR-00445(1)-FB

ORDER SETTING DISTRICT COURT ARRAIGNMENT /  
DETENTION

IT IS HEREBY ORDERED that the above entitled and numbered case is set for 09:30 AM, in Courtroom C, on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655 East Durango Blvd., San Antonio, TX on Wednesday, February 23, 2011.

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this order to the defendant, counsel for defendant, the United States Attorney, U.S. Pretrial Services, United States Probation Office. Further, counsel for the defendant shall notify the defendant of this setting. If the defendant is on bond, he/she shall be present.

IT IS SO ORDERED this 11th day of February, 2011.

*Nancy Stein Nowak*

NANCY STEIN NOWAK  
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

USA

vs.

(1) Diego Cruz Cavazos

§  
§  
§  
§  
§

Case Number: SA:10-CR-00445(1)-FB

**WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT AND**  
**ENTRY OF PLEA OF NOT GUILTY**  
**WAIVER OF MINIMUM TIME TO TRIAL**

NOW COMES Defendant in the above-referenced case who, along with his undersigned attorney, hereby acknowledges the following:

1) Defendant has received a copy of the Indictment, Information or Complaint in this case. Defendant understands the nature and substance of the charges contained therein, the maximum penalties applicable thereto, and his Constitutional rights, after being advised of all the above by his attorney.

2) Defendant understands he has the right to appear personally with his attorney before a Judge for Arraignment in open Court on this accusation. Defendant further understands that, absent the present waiver, he will be so arraigned in open Court.

Defendant, having conferred with his attorney in this regard, hereby waives personal appearance with his attorney at the arraignment of this case and the reading of the Indictment or Information, and by this instrument, tenders his plea of "not guilty". The defendant understands that entry by the Court of said plea for defendant will conclude the arraignment in this case for all purposes.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Name of Attorney for Defendant

\_\_\_\_\_  
Signature of Attorney for Defendant

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

**ORDER**

**APPROVED BY THE Court. A plea of "Not Guilty" is entered for Defendant effective this date.**

Date: \_\_\_\_\_

\_\_\_\_\_  
District Judge/Magistrate Judge

ALL WAIVER FORMS MUST BE FILED IN THE CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON THE DAY BEFORE THE SCHEDULED DATE OF ARRAIGNMENT. IF A WAIVER FORM IS NOT SUBMITTED BY THAT TIME, THE DEFENDANT AND DEFENDANT'S ATTORNEY MUST APPEAR FOR THE ARRAIGNMENT AS SCHEDULED.

3) Defendant understands that he has a right to a minimum period of time to trial so that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se. Defendant further understands that, absent the present waiver, he will not be brought to trial during this thirty (30)-day period.

Defendant, having conferred with his attorney in this regard, hereby **WAIVES** the requirement that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

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**NOTICE OF RIGHT TO CONSENT  
TO DISPOSITION OF A MISDEMEANOR**

The U.S. Magistrate Judge may conduct proceedings in any and all Class A misdemeanor cases, including a jury or non-jury trial, if the defendant voluntarily consents thereto, and for Class B and C misdemeanors and infractions regardless of consent.

**PLEASE INDICATE ONE OF THE FOLLOWING WITH A CHECK MARK:**

\_\_\_\_\_ **I DO CONSENT TO MAGISTRATE JUDGE JURISDICTION.**

\_\_\_\_\_ **I DO NOT CONSENT TO MAGISTRATE JUDGE JURISDICTION.**

**NO RESPONSE OR OMISSION OF THIS PAGE WILL BE INTERPRETED AS NOT CONSENTING TO  
MAGISTRATE JUDGE JURISDICTION AND CASE WILL BE ASSIGNED TO A U.S. DISTRICT JUDGE.**

\_\_\_\_\_  
Defendant

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

USA

vs.

(1) Diego Cruz Cavazos  
*Defendant*

§  
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§  
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Criminal No. SA:10-CR-00445(1)-FB

DETENTION ORDER

At the initial appearance of the defendant, the government requested that the defendant be detained without bond pending trial pursuant to Title 18 U.S.C. Section 3142(f). On the date of the detention hearing, the defendant, with his/her counsel, and the attorney for the government appeared, and the parties announced an agreement to detain defendant without bond. The defendant is aware of his/her rights to a detention hearing and to require the government to meet its burden of proving that no conditions of release exist which will reasonably assure his appearance in court and the safety of the community. Defendant knows that if he waives his/her detention hearing, he/she will remain in custody pending trial. By signing this Detention Order, defendant acknowledges that he/she has no questions and understands his/her rights and the consequences of waiving those rights, and agrees to be detained without bond pending trial. Upon consideration of defendant's waiver, the charge against him/her, and the report of the Pretrial Services Office, the Court finds that, at this time, no conditions of release will reasonably assure the appearance of the defendant in court and the safety of the community. Should information having a material bearing on the issue of release subsequently become available, indicating a change in the defendant's circumstances, the defendant, through counsel, may file a motion requesting a bond hearing.

It is, therefore, ORDERED that:

- (1) Defendant be detained without bond pending trial;
- (2) Defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (3) Defendant be afforded reasonable opportunity for private consultation with counsel; and

- (4) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States marshal for the purpose of an appearance in connection with any court proceeding.

SIGNED on

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NANCY STEIN NOWAK  
U.S. MAGISTRATE JUDGE

APPROVED:

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(1) Diego Cruz Cavazos, *Defendant*

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*Attorney for Defendant*